

REMARKS

Claims 1-11 are pending. By this Amendment, claims 1, 7, and 8 are amended.

Claim Rejections under 35 U.S.C. § 112

Claim 7 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. In particular, the Office Action has pointed out contradictory limitations relative to claim 1, and a lack of antecedent basis. With this Amendment, claim 7 is amended to correct these causes for the § 112 rejection. Reconsideration and withdrawal of the § 112 rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claims 1-6 and 8-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 20030117261 (hereinafter “Gunsch”) in view of European Patent Application Publication No. 1 101 670 A2 (hereinafter “Losey”). Claims 8-11 have also been rejected in view of Gunsch and Losey, and in further view of U.S. Patent No. 6,281,599 to Murakami et al. (hereinafter “Murakami”). These rejections are respectfully traversed.

Gunsch discusses a universal keyless entry transmitter for sending signals to multiple keyless entry systems. The transmitter device can distinguish between users based on fingerprint scanning, and different users can be granted varying levels of privilege and authorization. Gunsch contemplates providing limited use for children or valets. Gunsch describes a menu system in the transmitter device through which the user can define the different keyless entry systems, to include transmission codes, button actions, authorized users, and time frames for authorized use. In operation, users are identified by the fingerprint reader, and only authorized

users are permitted to access certain assets via the transmitter device. The valet mode discussed in Gunsch describes temporarily disabling the fingerprint authorization function to permit access to an asset for a limited time.

Losey discusses a vehicle access system that can operate in a valet mode where a reduced number of vehicle access functions are permitted. Losey discusses a controller located in the vehicle that is programmable by the vehicle owner to customize various levels of security for various individuals to whom the vehicle is entrusted. Different authorization codes may be used that correspond to different security levels. The different codes may be assigned to different signaling devices; or, preferably, one signaling device may be set up to provide more than one authorization code. The vehicle owner can be provided with the ability to set the signaling device to provide the desired authorization code to the controller.

Murakami is directed to keyless entry systems with an object sensor, and is of only general relevance to the present invention.

Gunsch, Losey, and Murakami do not teach or suggest the restriction information generation device claimed in claims 1 and 8, in which operation restriction information for designating an operation of the vehicle and the accessory that is to be restricted is registerable.

As claimed, the restriction information generation device generates specific code corresponding to the operation restriction information, and the electronic key wirelessly outputs the specific code. Although Gunsch describes the menu system by which the keyless transmitter can be configured with authorized user access information and button actions, Gunsch does not teach or suggest the claimed limitation of designating an operation of the vehicle and the accessory that is to be restricted. Applicant respectfully points out that configuring user accessibility to an asset or configuring button actions as discussed in Gunsch is not equivalent to designating an operation of the vehicle and the accessory that is to be restricted, as claimed.

Furthermore, Gunsch does not teach or suggest the claimed limitation of a restriction information generation device that generates specific code corresponding to the operation restriction information, and the electronic key wirelessly outputs the specific code. In the Gunsch device, configuring user accessibility to an asset or configuring button actions would result in enabling or disabling certain output by the keyless transmitter in certain circumstances. No specific code corresponding to the operation restriction information is output for reception by the second verification device in the vehicle, as claimed in claims 1 and 8.

Indeed, the Examiner has correctly indicated that Gunsch lacks the teaching of a restriction control device with a second verification device arranged within the vehicle. Without the claimed second verification device in the vehicle to receive and compare the specific code with a reference specific code, Gunsch could not possibly have taught or suggested the claimed restriction information generation device that wirelessly transmits a specific code corresponding to the operation restriction information.

In Losey, the signaling device can be set up to output a selected authorization code. It is in the controller where the vehicle owner can customize the various levels of security for each authorization code. Therefore, Losey also does not teach or suggest the claimed restriction information generation device, which is arranged in the electronic key, and in which operation restriction information for designating an operation of the vehicle and the accessory that is to be restricted is registrable.

For at least the reasons given above, not all limitations in each of claims 1 and 8 are present in the combination of the Gunsch, Losey and Murakami. Therefore a *prima facie* case for obviousness has not been made, and cannot be made, on the basis of these references. Claims 2-6 and 9-11 each further define their respective base claim. Therefore, these dependent claims are also allowable. Withdrawal of the § 103 rejection is respectfully requested.

In view of the foregoing, it is submitted that this application is in condition for allowance.

Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,


Vadim Braginsky
Registration No. 58,031

Customer No. 24113
Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 252-1542